No. 08-294
Vide 08-289
Title: Speaker of the Arizona House of Representatives, et al., Petitioners
v.
Miriam Flores, et al.
Docketed: September 5, 2008
Lower Ct: United States Court of Appeals for the Ninth Circuit
Case Nos.: (07-15603, 07-15605)
Decision Date: February 22, 2008
Rehearing Denied: April 17, 2008
Questions Presented

~~Date~~~	~~~~~~~Proceedings and Orders~~~~~~~~~~
Jun 30 2008	Application (08A11) to extend the time to file a petition for a writ of certiorari from July 16, 2008 to September 14, 2008, submitted to Justice Kennedy.
Jul 8 2008	Application (08A11) granted by Justice Kennedy extending the time to file until September 1, 2008.
Sep 2 2008	Petition for a writ of certiorari filed. (Response due October 6, 2008)
Sep 2 2008	Appendix of Speaker of the Arizona House of Representatives, et al. filed.
Sep 19 2008	Order extending time to file response to petition to and including November 5, 2008.
Oct 6 2008	Brief amicus curiae of American Legislative Exchange Council filed.
Oct 6 2008	Brief amicus curiae of Washington Legal Foundation filed. VIDED.
Oct 9 2008	Order further extending time to file response to petition to and including December 1, 2008, for all respondents..
Dec 1 2008	Brief of respondents Miriam Flores, et al. in opposition filed. VIDED.
Dec 1 2008	Brief of respondents Arizona, et al. in opposition filed. VIDED.
Dec 11 2008	Reply of petitioners Speaker of the Arizona House of Representatives, et al. filed.
Dec 17 2008	DISTRIBUTED for Conference of January 9, 2009.
Jan 9 2009	Petition GRANTED the case is consolidated with No. 08-289 and a total of one hour is allotted for oral argument. The briefs of petitioners are to be filed on or before Thursday, February 19, 2009. The briefs of respondents are to be filed on or before Wednesday, March 18, 2009. Reply briefs, if any, are to be filed in accordance with Rule 25.3 of the Rules of this Court.
Feb 19 2009	Brief of petitioners Speaker of the Arizona House of Representatives, et al. filed. VIDED.
Feb 19 2009	Joint appendix filed. VIDED. Statement of costs received.
Feb 19 2009	Brief of petitioner Thomas C. Horne, Superintendent of Public Instruction of the State of Arizona filed. VIDED.
Feb 23 2009	SET FOR ARGUMENT Monday, April 20, 2009.
Feb 25 2009	Brief amici curiae of American Unity Legal Defense Fund, et al. filed. VIDED.
Feb 25 2009	Brief amicus curiae of Eagle Forum Education & Legal Defense Fund filed. VIDED.
Feb 25 2009	Brief amici curiae of Pacific Legal Foundation, et al. filed. VIDED.
Feb 26 2009	Brief amici curiae of Education-Policy Scholars filed. VIDED.
Feb 26 2009	Brief amici curiae of American Legislative Exchange Council, et al. filed. VIDED. (Distributed)
Feb 26 2009	Brief amicus curiae of Washington Legal Foundation filed. VIDED. (Distributed)

Feb 27 2009 CIRCULATED.

Mar 11 2009 Consent to the filing of amicus briefs, in support of either party or of neither party, received from counsel for respondents.

Mar 11 2009 Record recieved from U.S.C.A. for the 9th Circuit. (1 envelope)

Mar 16 2009 Record received from U.S.D.C. for the District of Arizona. (2 boxes)

Mar 18 2009 Brief of respondents Miriam Flores, and Rosa Rzeslawski filed. (Distributed) VIDED.

Mar 18 2009 Brief of respondents Arizona, and Arizona State Board of Education filed. VIDED. (Distributed)

Mar 19 2009 Joint motion for divided argument filed by petitioners. VIDED.

Mar 25 2009 Brief amici curiae of Asian American Legal Defense and Education Fund, et al. filed. VIDED. (Distributed)

Mar 25 2009 Brief amici curiae of National School Boards Association, et al. filed. VIDED. (Distributed)

Mar 25 2009 Brief amici curiae of Educational Policy and Finance Scholars filed. VIDED. (Distributed)

Mar 25 2009 Brief amicus curiae of United States filed. VIDED. (Distributed)

Mar 25 2009 Brief amici curiae of Tucson Unified School District, et al. filed. VIDED. (Distributed)

Mar 25 2009 Brief amici curiae of Washington Lawyer's Committee for Civil Rights and Urban Affairs - Immigrant and Refugee Rights Project filed. VIDED. (Distributed)

Mar 25 2009 Brief amici curiae of Asian American Justice Center, et al. filed. VIDED. (Distributed)

Mar 25 2009 Brief amici curiae of Civil Rights Organizations filed. VIDED. (Distributed)

Mar 25 2009 Motion for leave to file amici brief out-of-time filed by 30 Recognized Leaders of Education Research in support of neither party. VIDED. (Distributed)

Mar 25 2009 Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument filed. VIDED.

Mar 25 2009 Brief amici curiae of NAACP Legal Defense and Educational Fund, Inc., et al. filed. VIDED. (Distributed)

Mar 31 2009 Letter from the Acting Solicitor General proposing to lodge copies of documents of the Department of Education cited to in the brief of the United States. VIDED.

Apr 3 2009 Motion for divided argument filed by petitioners DENIED.

Apr 3 2009 Motion for leave to file amicus brief filed by 30 Recognized Leaders of Education Research in support of neither party out-of-time GRANTED.

Apr 3 2009 Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument GRANTED.

Apr 3 2009 The Clerk has approved submission of the Acting Solicitor General's proposed lodging. VIDED.

Apr 3 2009 Lodging of the Acting Solicitor General (12 copies). VIDED.

Apr 9 2009 Reply of petitioner Thomas C. Horne, Superintendent of Public Instruction of the State of Arizona filed. (Distributed)

Apr 13 2009 Reply of petitioners Speaker of the Arizona House of Representatives, et al. filed. VIDED. (Distributed)

Apr 20 2009 Argued. For petitioners: Kenneth W. Starr, Los Angeles, Cal. For respondents: Sri Srinivasan, Washington, D.C.; and Nicole A. Saharsky, Assistant to the Solicitor General, Department

Name	Address	Phone
Attorneys for Petitioners:		
Eric J. Bistrow Counsel of Record	Burch & Cracchiolo, P.A. 702 E. Osborn, Suite 200 Phoenix, AZ 85014 ebistrow@bcattorneys.com	(602) 274-7611
Party name: Thomas C. Horne, Superintendent of Public Instruction of the State of Arizona		
Kenneth W. Starr Counsel of Record	Kirkland & Ellis LLP 777 S. Figueroa Street Los Angeles, CA 90017 ken.starr@pepperdine.edu	(213) 680-8400
Party name: Speaker of the Arizona House of Representatives, et al.		
Attorneys for Respondents:		
Kimberly Anne Demarchi Counsel of Record	Lewis & Roca LLP 40 North Central Ave. Phoenix, AZ 85004-4429 kdemarchi@LRLaw.com	(602) 262-5728
Party name: Arizona, and Arizona State Board of Education		
Sri Srinivasan Counsel of Record	O'Melveny & Meyers LLP 1625 Eye Street, N.W. Washington, DC 20006 ssrinivasan@omm.com	(202) 383-5300
Party name: Miriam Flores, et al.		
Dan Himmelfarb	Mayer Brown LLP 1909 K Street, N. W. Washington, DC 20006-1101 dhimmelfarb@mayerbrown.com	(202) 263-3000
Party name: Education-Policy Scholars		
Timothy M. Hogan	Arizona Center for Law in the Public Interest 202 E. McDowell Rd. Phoenix, AZ 85004	(602)-258-8850

thogan@aclpi.org

Party name: Miriam Flores, et al.

Other:

Steven Geoffrey Gieseler — Pacific Legal Foundation — (772)-781-7787

1002 SE Monterey Commons Blvd.
Suite 102
Stuart, FL 34996

Party name: Pacific Legal Foundation, et al.

Alan Scott Gilbert — Sonnenschein Nath & Rosenthal LLP — (312) 876-8000

7800 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6404

Party name: Asian American Justice Center, et al.

Neal Kumar Katyal — Acting Solicitor General — (202) 514-2217

Department of Justice
Washington, DC 20530-0001

Party name: United States

Patrick F. Linehan — Steptoe & Johnson LLP — (202) 429-3000

1330 Connecticut Avenue, NW
Washington, DC 20036
plinehan@steptoe.com

Party name: Washington Lawyer's Committee on Civil Rights and Urban Affairs - Immigrant and Refugee Rights Project

Robert A. Long Jr. — Covington & Burling LLP — (202) 662-5212

1201 Pennsylvania Avenue, N.W.
Washington, DC 20004
rlong@cov.com

Party name: Asian American Legal Defense and Education Fund, et al.

Jonathan L. Marcus — Covington & Burling, LLP — (202) 662-6000

1201 Pennsylvania Avenue, NW
Washington, DC 20004

Party name: Educational Policy and Finance Scholars

Robert C. O'Brien Jr.	Arent Fox 555 West Fifth Street, Fl. 48 Los Angeles, CA 90013-1065	(213) 443-7512

Party name: American Legislative Exchange Council

John Payton	NAACP Legal Defense & Educational Fund, Inc. 99 Hudson Street, 16th Floor New York, NY 10013	(212) 965-2200

Party name: NAACP Legal Defense and Educational Fund, Inc., et al.

Nina Perales	Mexican American Legal Defense and Educational Fund 110 Broadway, Suite 300 San Antonio, TX 78205 nperales@maldef.org	(210) 224-5476

Party name: Civil Rights Organizations

A.W. Phinney	Mintz Levin Cohn Ferris Glovsky and Popeo PC One Financial Center Boston, MA 02111	(617) 842-6000

Party name: 30 Recognized Leaders of Education Research in support of neither party out of time

John C. Richardson	DeConcini McDonald Yetwin & Lacy PC 2525 East Broadway Boulevard, Suite 200 Tucson, AZ 85716	(520) 322-5000

Party name: Tucson Unified School District,et al.

Nicole A. Saharsky	Assistant to the Solicitor General 950 Pennsylvania Ave., NW Department of Justice Washington, DC 20530	(202)-514-2201

Party name: Speaker of the Arizona House of Representatives, et al. v. Miriam Flores, et al.

Gene C. Schaerr	Winston & Strawn LLP 1700 K Street, N.W. Washington, DC 20006-3817	(202) 282-5000

Party name: Washington Legal Foundation

Andrew L. Schlafly	939 Old Chester Road Far Hills, NJ 07931	(908) 719-8608

Party name: Eagle Forum Education & Legal Defense Fund

Maree F. Sneed	Hogan & Hartson LLP 555 Thirteenth Street, N.W. Washington, DC 20004	(202) 637-6416

Party name: National School Boards Association, et al.

Barnaby W. Zall	Weinberg & Jacobs LLP 11300 Rockville Pike #1200 Rockville, MD 20852	(301) 468-5500

Party name: American Unity Legal Defense Fund, et al.